

## Trust and School Complaints Policy and Procedure

Policy Number – 06

### Document Management Information

<b>Applicable to:</b>	All staff and volunteers
<b>Dissemination:</b>	Trust and School websites
<b>Linked policies:</b>	Child Protection and Safeguarding Grievance Disciplinary Code of Conduct Whistleblowing
<b>Implementation:</b>	All staff and volunteers. Dissemination through internal Trust Leader and governance communication channels
<b>Training:</b>	None
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<b>Policy Author:</b>	Executive Assistant/Governance Manager
<b>Policy Lead:</b>	Executive Assistant/Governance Manager
<b>Approval by:</b>	Trust Board
<b>Approval Date:</b>	December 2023 (initial ratification 2019)
<b>Next Review Due:</b>	Autumn 2026

### Revision History

Revision Date	Description	Sections Affected	Revised By	Approved By
30/04/2019	New policy		H R Director	Trust Board
Spring 2021	Changed Executive Administrator	Various	Governance	CEO under written Trust

	to Governance Manager		Manager	Board resolution 22/02/2021
	Changed HR Director to Senior HR Professional	Various	Governance Manager	CEO under written Trust Board resolution 22/02/2021
	<p>Stage 2 complaints removal of:- <i>If there are fewer than three local committee members/Trustees available, the Governance Manager/Senior HR Professional will source any additional, independent local committee members or Trustees in order to make up the committee.</i></p> <p>Reason: A panel will <u>always</u> be 3 members. All panel members will be made up of Trustees and where Local committee members are included these will be from across Schools in the Trust ensuring impartiality without prior knowledge to the case.</p>	Stage 2 complaints	Governance Manager	CEO under written Trust Board resolution 22/02/2021
24/06/2021	Additional details regarding complaints relating to Centre Assessed Grades	Scope of the complaints procedure	Governance Manager	CEO under written Trust Board resolution 22/02/2021
November 2021	Changed Governance Manager to Executive Assistant and Senior HR Professional to COO	Various	Executive Assistant	CEO under written Trust Board resolution 22/02/2021
November 2022	<p>Changes of name from local advisory board member to local committee member.</p> <p>Additional section on terminology</p> <p>COO not included in Complaints procedure for Trust Central Team – now CEO</p> <p>Section on what the procedure does not include is now at Annex 3</p> <p>Addition of section on unreasonably persistent complainants and unreasonable complainant behaviour</p> <p>Addition of new section on group complaints</p> <p>Complaints at Stage 1 or 2 must be made in writing and using the complaint form or in exceptional circumstances to enable accessibility by telephone or in person.</p>	Various	Governance Manager	Trust Audit and Risk Committee
August 2023	Clarification of the definition of the term parent as used in this document	New annex 4 with definition	Governance Manager	Trust Board
December 2023	Clarification of stages of a complaint and responsibilities at each stage. Clarification around use of social media and confidentiality. Annex 3 incorporated into body of policy.	All	Governance Manager	Trust Board

## Introduction

This policy sets out the way in which the Nene Education Trust (NET) aims to address concerns and complaints. NET recognises that there may be times when a parent/carer, trustee, school staff member, local committee member or other stakeholder, wishes to raise a concern or complaint about a particular aspect of the work of the Trust, one of the schools in the Trust or member of the school staff; or trustees, members or local committee members; or a member of the Trust Central Team. As relevant, the school or Trust wants to know as soon as possible about such concerns or cause for dissatisfaction so that the issue can be dealt with appropriately and resolved promptly as a concern rather than a complaint.

## Who can use this policy and procedure

This policy may be used by:

- a parent whose child attends or who has left a Nene Education Trust school in the term prior to the concern being raised
- members of the public or other organisations who have been directly and detrimentally affected by any action of the Trust or one of its schools
- stakeholders for GDPR and Freedom of Information related matters.

Members of staff or anyone in governance roles should raise concerns with the school or Trust as applicable through the Trust grievance policy. On rare occasions a school, or the Trust as applicable, may receive concerns from a number of parents relating to the same issue. In order to deal with these matters efficiently the school or Trust will follow the procedure set out at the end of this introduction.

The Trust expects all those raising concerns to make reasonable attempts to seek an informal resolution to any concerns with the relevant school staff in the first instance.

Please see Annex 3 for the definition of parent as used in this policy and procedure.

## Our Aims

- Any concerns raised are addressed by the relevant staff before they escalate to a complaint
- Issues raised will be dealt with honestly, politely and in confidence.
- Complaints will be investigated thoroughly and fairly, with every effort being made to resolve the issue.
- To deal with concerns and complaints within the specified timeframes unless there are difficulties in doing this when an explanation for the delay will be given.
- We will provide updates on the progress of complaints at each stage.
- We will apologise if we have made a mistake.
- A full and clear written reply to formal complaints will be issued within 28 school working days (5½ weeks) of the complaint being received. In exceptional circumstances or complex investigations, a longer time period may be required. In these cases, individuals will be kept abreast of progress.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage by the most appropriate staff. Most issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Nene Education Trust takes concerns and complaints seriously and will seek to resolve the matter as quickly as possible.

## Terminology

In this procedure:

- 'concern' means an expression of worry or doubt over an issue considered to be important for which reassurances are sought. These are routinely school level issues and should always try to be resolved at school level with teachers or the appropriate school leaders.
- 'complaint' means an expression of dissatisfaction about actions taken or a lack of action. Complaints should be made using the complaints form at Annex 2 of this document.
- 'meeting' means an in-person or virtual meeting (ie telephone or video conference where all parties can participate verbally), virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend and are happy to do so. If the parties are unable to meet virtually and the meeting must take place in person, the meeting may be postponed at the discretion of the trust.
- 'parent' means a parent, carer or anyone with legal responsibility for a child.
- 'school days' excludes weekends and academy holidays and periods of partial or total academy closure.
- 'trust' means the Nene Education Trust.

## Stages of concerns and complaints

The Trust procedure is:

- Informal concern
- Stage 1 Formal Written Complaint
- Stage 2 Referral to a Trust Complaints Panel

Please refer to the procedures later in this document regarding how to raise a concern or complaint.

A concern can be raised in person, in writing, by email, or by telephone. It may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so. If this is a school matter, in the first instance, concerns should be raised with the most relevant member of staff; in most cases this will be the class teacher.

Complaints should be made using the complaints form at Annex 2 of this document unless there are accessibility reasons, in which case they can exceptionally be made by telephone or in person.

Anyone raising a formal complaint (that has been unresolved as a concern) by letter, email or telephone will be directed to the complaints form which directs complainants to outlining the

specific issues of complaint, what has been done thus far to resolve the matter, the reason why it is being escalated to a complaint, and the outcome being sought.

If this is a school matter, in the first instance, concerns should be raised with the most relevant member of staff; in most cases this will be the class teacher.

### **Time scales**

There is no suggested timescale for resolution of informal concerns at school level given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, this should be escalated to a stage 1 formal written complaint.

A formal complaint must be raised within 28 school working days of the incident occurring or, where a series of associated incidents have occurred, within 28 school working days of the last of these incidents. The Trust will only consider complaints made outside of this timeframe if exceptional circumstances apply.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on the Trust's ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the Nene Education Trust or any Trust school in relation to their complaint, the Trust will consider whether to suspend the complaints procedure in relation to the complaint until those legal proceedings have concluded.

### **Concerns or complaints received outside of term time**

The Trust will deem complaints made outside term time to have been received on the first school day after the holiday period including training days.

### **Resolving concerns and complaints**

The aim is for any concerns raised to be addressed satisfactorily by the appropriate person in the school (or Trust) before they escalate to a complaint. At each stage in the process, the Nene Education Trust will ensure issues are addressed honestly, politely and in confidence. They will be looked into thoroughly and fairly, and every effort will be made to resolve the matter.

If the matter escalates to a formal complaint the Trust will arrange for the matter to be investigated and confirm whether the complaint is dismissed, or upheld in whole or in part. In addition, the Trust may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better.
- an assurance that the Trust will try to ensure the event complained of will not recur.

- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made.
- an undertaking to review school policies in light of the complaint.
- an apology.

Should a complaint be made about a member of staff the complainant will not receive details of any actions that have been taken by the school or Trust in relation to that person, but they will get information about any school improvement actions or processes that have been put in place as a result.

### **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, the Trust will ask them to confirm this in writing. If a complaint is withdrawn it cannot be raised again at a future time.

### **Unreasonably persistent complainants and unreasonable complainant behaviour**

There are some specific circumstances where we will deviate from the complaints procedure set out in in this document. These include, but are not necessarily limited to:

- where the complainant's behaviour or language towards staff, members of the local committee, members or trustees is abusive, offensive, discriminatory, or threatening.
- where the complainant's behaviour is hindering our consideration of complaints and/or the proper running of the Trust or school because of the frequency or nature of the complainant's contact, such as, if the complainant:
  - refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
  - refuses to co-operate with the complaints investigation process.
  - refuses to accept that certain issues are not within the scope of the complaints procedure.
  - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
  - introduces trivial or irrelevant information which they expect to be taken into account and commented on
  - raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
  - makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
  - changes the basis of the complaint as the investigation proceeds.
  - seeks an unrealistic outcome, such as the inappropriate dismissal of staff.
  - makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
  - knowingly provides falsified information.
  - publishes unacceptable information on social media or other public forums.

- where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
  - complaints which are obsessive, persistent, harassing, prolific, repetitious
  - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
  - insistence upon pursuing meritorious complaints in an unreasonable manner.
  - complaints which are designed to cause disruption or annoyance.
  - demands for redress that lack any serious purpose or value.
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises. Any such arrangements will be reviewed after six months;
- conduct the complaints panel on the papers only i.e. not hold a hearing;
- refuse to consider the complaint and, where Part 1 of this procedure applies, refer the complainant directly to the DfE.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

We may take the decision not to respond to any further correspondence where:

- we have taken every reasonable step to address the complainant's concerns.
- the complainant has been given a clear statement of our position and their options and
- the complainant contacts us repeatedly, making substantially the same points each time.

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff.
- we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience.
- we have reason to believe the complainant is waging a campaign against the Trust or any of the schools in it, including using social media to create ill-feeling in the parental community or wider community.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of

staff, members of the local committee, members or trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## Complaint campaigns

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with a school or the trust) which are all based on the same subject.

Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants and/or
- publish a single response on the school and/or Trust website (as applicable)

## What is not included in the scope of this policy

Excluded Matters	Signposting
<ul style="list-style-type: none"> <li>• Admissions to school</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with North Northamptonshire Council.
National Curriculum content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Exclusions	The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at <a href="https://www.gov.uk/school-discipline-exclusions/exclusions">https://www.gov.uk/school-discipline-exclusions/exclusions</a>
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
Staff grievances	Complaints from staff will be dealt with under the Trust's internal grievance procedures.
Staff conduct	Certain complaints about staff may need to be dealt with under the Trust's disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters direct



	with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> . Volunteer staff who have concerns should complain through the Trust's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint
Governance conduct	Complaints about governance will be dealt with under the procedures set out in this policy (internal governance complaint) or staff grievance policy (staff complaint about governance). Reference will be made to the NET Code of Conduct.
Anonymous complaints or concerns	

## Complaints Procedure

### Informal concerns

Most school-level concerns can be dealt with satisfactorily by the class teacher or other appropriate members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding. This may also involve escalating a concern to the senior leadership team of the school who will make every effort to address the concern before it escalates to a formal complaint.

It is always helpful if parents/carers can fully explain the nature of the concern and identify the outcome they are looking for. Where appropriate, they may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that parents/carers are clear on what action (if any) has been agreed. This may be put in writing if appropriate.

If the matter is brought to the attention of the Principal they may decide to deal with the concerns directly at this stage, undertaking their own investigations into the matter as appropriate. If concerns are raised with the Trust about a school or the school Principal or other members of the Trust the guidance below should be followed. The Trust reserves the right to direct concerns back to the school without dealing with them as a formal complaint to the Trust if they consider that the school Principal has not had the opportunity to respond or has not dealt with the matter satisfactorily.

There is no suggested timescale for resolution of informal concerns at school level given the

importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days.

If the concern is about the class teacher or another staff member it should be raised as a confidential matter with the Principal.

If a parent/carer has difficulty raising a concern or discussing a concern with a particular member of staff, we will respect their views. In these cases, the Principal of the school or in the case of the Trust, the Governance Manager, will refer the complaint to another suitable staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is more important.

If the concern is about the Principal it should be raised as a confidential matter with the Chief Executive Officer (CEO).

If there is a concern raised about any other aspect of the Trust please see the section below regarding who the concern should be raised with.

### **Stage 1: Formal written complaints**

If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual local committee members to raise concerns or complaints. Local committee members have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints about the Chairs of Local Committees or any individual local committee member, Trustee, member or the governing body as a whole should be addressed in confidence to the Governance Manager at the Trust Head Office or via email to [enquiries@neneeducationtrust.org.uk](mailto:enquiries@neneeducationtrust.org.uk)

Complaints about a member of staff in the Trust Central Team, excluding the CEO, should be addressed in confidence to the Trust CEO

Complaints about the CEO should be raised as a confidential matter with the Chair of the Trust Board via the Trust Head Office.

Complaints about the Trustees, Members, or the Trust Board as a whole, should be raised as a confidential matter with Governance Manager via the Trust Head Office, or via email to [enquiries@neneeducationtrust.org.uk](mailto:enquiries@neneeducationtrust.org.uk) who will arrange for the matter to be independently investigated.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

It is very important that the complaint includes a clear statement of the actions that the complainant would like take to resolve the matter using the complaint form provided at

Annex 2 of this procedure. Third party organisations like the Citizens Advice can be used as support. In all cases any written complaint must include:

- the nature of the complaint.
- details of how the matter has been dealt with so far.
- the names of potential witnesses, dates and times of events and copies of all relevant documents; and
- a clear statement of the actions that can be taken to resolve the complaint.

The recipient of the form (see above) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 working school days.

Within this response, the recipient may seek to further clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. It may be that a face-to-face meeting is the most appropriate way of doing this.

There may be need for a formal investigation of the complaint in which case an investigating officer will be appointed. The investigator's role is to:

- as necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- keep a written record of any meetings/interviews in relation to their investigation.
- Provide a report for the complaint co-ordinator (see above) with recommendations.
- Follow up any recommended actions to ensure they are being carried out.

If the complaint cannot be addressed within the deadlines set out in this procedure the complainant will be given an update and response date.

The complaint response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to resolve the complaint.

The complaint co-ordinator (this person will vary depending on who the complaint is about and where it is being handled – school or Trust-level – see above) will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

Stage 1 will be completed and a written response issued within 28 working school days of a complaint being received.

## **Stage 2 – Referral to the Trust Complaints Panel**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2. This would be addressed by members of a Trust Complaints Panel. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Governance Manager via email [enquiries@neneeducationtrust.org.uk](mailto:enquiries@neneeducationtrust.org.uk) within 5 working school days of receipt of the Stage 1 response.

The Governance Manager will record the date the complaint is received and acknowledge receipt of the complaint in writing (by letter) within 5 working school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Governance Manager will write to the complainant to inform them of the date of the Trust Complaints Panel meeting. The aim is to convene a meeting within 15 working school days of receipt of the Stage 2 request. If this is not possible, the Governance Manager will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance Manager will decide when to hold the panel meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Trust Complaints Panel will consist of at least 3 trustees or local committee members, who have had no prior connection with the complaint and at least one of these must be an independent member. A local committee member from a different school within the Trust who has no conflict of interest or prior knowledge of the complaint, can be an independent member. This ensures impartiality and reduces the risk of any possible conflict with the complaint that is being heard. When defining an independent person the Trust should not use any person who has a clear connection with the school or matter being investigated.

Prior to the meeting, the committee members will decide amongst themselves who will act as the chair of the panel.

The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, parties will not be permitted to bring legal representatives to the committee meeting. However, there may be exceptional circumstances when more formal representation is appropriate. For instance, if a school or Trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any complaints about staff conduct will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 10 working school days before the committee meeting, the Governance Manager or independent clerk if appropriate, will:

- confirm and notify the complainant of the date, time and venue of the committee meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.

- in confirming the meeting request, copies of any further written material should be given to the Governance Manager or independent clerk if appropriate, at least 5 working school days before the meeting for distribution to the committee.

The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The panel meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school or Trust's systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide the complainant and the school (where appropriate) with a full explanation of their decision and the reason(s) for it, in writing, within 28 working school days of the request to escalate to Stage 2 being received. The findings and recommendations will be made available for inspection by the Principal.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied (see section on Further Recourse below).

There are additional levels of governance which assume responsibility under specific circumstances for Stage 2.

Specifically:

- Where the complaint relates to the Chief Executive Officer, or a Trustee, local committee member, or a Member, the Chair of the Trust Board assumes responsibility.
- Where the complaint relates to the Chair of the Trust Board, an independent investigator will be appointed by the Chief Executive Officer.
- For complaints to be addressed to the Chair of the Trust Board or the Chief Executive Officer, please contact the Governance Manager:

Via email: [enquiries@neneeducationtrust.org.uk](mailto:enquiries@neneeducationtrust.org.uk)

## Recording Complaints

A written record will be kept of all formal complaints made at Stage 1 and 2, detailing:

- whether they are resolved and what action has been taken by the school/Trust as a result of those complaints (regardless of whether they are upheld).
- All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or (or someone acting on his or her behalf) requests access to them.

Information will be held in line with the Trust Data Protection Policy and Freedom of information Policy.

## Further Recourse

The Nene Education Trust anticipates that most complaints will be resolved by the internal processes outlined in this policy.

If the complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed all stages.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school/Trust. They will consider whether the Nene Education Trust has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate, Store Street, Manchester M1 2WD

## Annex 1 Roles and Responsibilities

### Complainant

The complainant will receive a more effective outcome if they:

- work with the school to address a concern as early as possible to ensure it does not escalate to a formal complaint.
- explain their concerns or matters of dissatisfaction in full as early as possible, outlining what remedy they seek.
- co-operate with the school/Trust in seeking a solution to the matter.
- respond promptly to requests for information or meetings or in agreeing the details of the matter.
- ask for assistance as needed.
- treat all those involved with respect.
- refrain from publicising the details of their cause for concern on social media, allow the school or Trust the time to investigate and seek a resolution, and respect confidentiality.

### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent, and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved.
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning.

- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.
- ensure that any papers produced during the investigation are kept securely pending any appeal.
- be mindful of the timescales to respond.
- prepare a comprehensive report for the Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The complaint co-ordinator or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### Complaints Co-ordinator

(as appropriate to the complaint this could be the Principal, Governance Manager, Senior HR Professional or other Trust Central Team staff member)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure.
- liaise with staff members, and trustees/local committee chairs as appropriate to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person.
- keep records.

### Clerk to the Complaints Panel

The Clerk should:

- ensure that all people involved in the complaints process are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible.
- collate any material relevant to the complaint (for example, stage 1 paperwork, school and complainant submissions) and share it with the parties in advance of the meeting within an agreed timescale.
- minute the proceedings.



- circulate the minutes of the meeting.
- notify all parties of the panel's decision.

### Trust Complaints Panel Chair

The panel chair, who is nominated in advance of the complaint meeting, should;

- agree with the panel the format of the complaints meeting and how it should be conducted and who should be asked to attend, if anyone
- if the panel decides it wishes to obtain additional information from any of the parties it should ensure that all parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if any parties are invited to attend, everyone is treated with respect and courtesy.
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person.
- the remit of the panel is explained to the complainant.
- material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed.
- key findings of fact are made.
- the committee is open-minded and acts independently.
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- the meeting is minuted.
- they liaise with the complaints co-ordinator.

### Complaints panel members

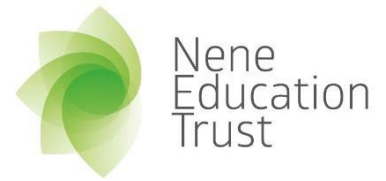
Members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no person may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school/Trust and the complainant.

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting.
- parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.
- the welfare of any child/young person is paramount.



## Annex 2 Complaint Form

Please complete and return by email to *(refer to guidance grid)* .....  
who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>To which school does your complaint or concern apply (if relevant):</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Your Address:</b>  <b>Postcode:</b> <b>Your contact details:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>

**Please provide details of your complaint, including whether you have spoken to anybody at the school or Trust about it and whether any steps have already been taken to resolve the complaint.**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

## Areas of responsibility and lines of reporting for concerns and complaints

Who is the complaint about?	Who should the complaint be addressed to?
Class teacher or other member of school staff	Principal
Principal	Deputy Chief Executive Officer
Chair of Local committee, individual Local committee members, Trustee, Trust or Local Committee as a whole	Chair of the Trust Board
Member of staff at the central trust office (excluding the CEO)	Chief Executive Officer
Chief Executive Officer	Chair of the Trust Board

## Annex 3

### Definition of parent as used in this policy and procedure.

**Those fitting the definition as stated below can make a complaint under this policy about the education of a child in their care.**

If status as a parent is not derived under [section 576](#) of the [Education Act 1996](#) through having formal parental responsibility it can also be derived as being a person with “care” of a child. That means the child lives with them, either full or part time and they look after the child, irrespective of their biological or legal relationship with the child.

A parent as defined by section 576 of the Education Act 1996 or a parent as defined by a person with ‘care’ of a child, has the right to:

- attend a school's annual parents' meeting;
- express a preference when choosing a school;
- stand for election or vote as a parent governor;
- be notified of their right to appeal against a child's exclusion;
- receive information on a child's education;
- withdraw a child from religious education and collective and sex education; and
- initiate or be involved in the procedure for obtaining a [statement of special educational needs](#) for a child.

The DfE's guidance on *Understanding and Dealing with Issues Relating to Parental Responsibility* specifically refers to the following examples of the rights of parents:

- receive information – such as pupil reports;
- participate in statutory activities – such as voting in elections for parent governors;
- be asked to give consent - such as to the child taking part in school trips; and
- be informed about meetings involving the child - such as a meeting on the child's exclusion.